IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

FRIDAY, THE TWENTY FOURTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 17242 of 2004

Between:
Bathala Pedda Kullayappa Yadav S/o Late Pedda Venkanna
r/o Chapadu Village& Mandal Cuddapah District

..... PETITIONER

AND

1 The Commissioner, Endowments, Hyderabad
2 The Deputy Commissioner, Endowments, Kurnool
3 The Assistant Commissioner, Endowments, Kadapa
4 Sri Narayana Ranjaiah Gari Choultry, rep by Trestee, Narayana Ramesh,
Proddatur, Kadapa District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ order or direction, more particularly a Writ of Mandamus, declaring the action of the 2nd and 4th respondents in auctioning the lands in S.No.79 Ac. 4.78 cents S. No. 37 ac.2.87 cents of Chapadu (V) Chapadu Mandal, S.No.37 Ac. 2.87 cents of Chapadu (V) Chapadu Mandal, Cuddapah Dsitrict, belonging to the 4th respondent, where the lands are under tenancy in possession of the petitioner, as highly illegal, arbitrary, unjust void and against the Act, and principles of natural justice and consequently direct the respondents not to interfere with possession and enjoyment of the petitioner

Counsel for the Petitioner: MR.G.CHANDRA SHAKHAR RAO

Counsel for the Respondent Nos.1 to 3: GP FOR ENDOWMENTS

Counsel for the Respondent No.4: ----

The Court at the admission stage made the following:

ORDER:

The petitioner claims to be the cultivating tenant in respect of the land belonging to the fourth respondent institution. He states that without issuing any notice as required under Rule 5(2) of the Rules made under G.O.Ms.No.379 Revenue (Endowments-1) Department (for short 'the Rules'), dated 11.03.2003, and without taking any steps to recover the possession from him, the respondents have put the leasehold rights of the land in question to auction on 19.06.2004. The petitioner states that in spite of the same, he has been continuing in possession and that he also made a representation before the Deputy Commissioner of Endowments, Kurnool, and also before the Principal Secretary, Revenue Department, Endowments, requesting to grant lease in his favour since he is a landless poor person and entitled to the benefit of Section 82(2) of the Andhra Pradesh Charitable & Hindu Religious Institutions and Endowments Act, 1987 (for short 'the Act'). Now, the writ petition is filed contending that the respondents failed to consider his request and no orders have been passed

so far.

I have heard the learned counsel for the petitioner and the learned Government Pleader for Endowments appearing for the respondents 1 to 3.

It is to be noted that under Rule 3 of the Rules, the Assistant Commissioner of Endowments having territorial jurisdiction is the competent authority to enquire and to decide whether the cultivating tenant is a landless poor person as defined under Section 82(2) of the Act. Admittedly, the petitioner has not made necessary claim before the Assistant Commissioner of Endowments.

In the circumstances, I deem it appropriate to dispose of the writ petition granting leave and liberty to the petitioner to make an appropriate application before the Assistant Commissioner of Endowments having territorial jurisdiction, in which event, the same shall be considered and appropriate orders shall be passed in accordance with law as expeditiously as possible, preferably within a period of four weeks from the date of making such application, as to the claim of the petitioner that he is a landless poor person and entitled to the benefit of Section 82(2) of the Act.

Accordingly, the writ petition is disposed of. No costs.

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24.09.2004

Note: Furnish CC in three days

(b/o)

VGB

To

1 The Commissioner, Endowments, Hyderabad

2 The Deputy Commissioner, Endowments, Kurnool

3 The Assistant Commissioner, Endowments, Kadapa

4 Sri Narayana Ranjaiah Gari Choultry, rep by Trestee, Narayana Ramesh,
Proddatur, Kadapa District

5 2CCs to the Government Pleader for Endowments, High Court Buildings, Hyderabad (OUT)

6 2CD copies